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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/893,321	
	Filing Date	Jun 27, 2001	
	First Named Inventor	Walke, D. Wade	
	Art Unit	1647	
	Examiner Name	R.S. Landsman	
Total Number of Pages in This Submission	6	Attorney Docket Number	LEX-0195-USA

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Firm Name	Lexicon Genetics Incorporated		
Signature	<i>Lance Ishimoto by Alex Janbach (45,479)</i>		
Printed name	Lance K. Ishimoto		
Date	October 31, 2005	Reg. No.	Reg. No. 41,866

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant(s):	Walke <i>et al.</i>	Group Art Unit: 1647
Application No.:	09/893,321	Examiner: R. S. Landsman
Filed:	06/27/01	
Title:	Polynucleotides Encoding Human GABA Receptors (As Amended)	Atty. Docket No.: LEX-0195-USA

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**AMENDMENTS AND RESPONSE TO**  
**DECISION ON APPEAL**  
**DATED AUGUST 31, 2005**

Commissioner for Patents  
Alexandria, VA 22313

Sir:

Applicants acknowledge receipt of the Decision on Appeal ("the Decision") in Appeal No. 2005-1285, mailed on August 31, 2005, which has been carefully reviewed and studied. Appellants are pleased with the conclusion of the Board to reverse the examiners rejections under 35 U.S.C. § 101 and § 112, first paragraph, and understandably less pleased with their decision to enter a new rejection of claims 3 and 4. Applicants herein elect to reopen prosecution and while in no way agreeing with the Board's conclusions regarding claims 3 and 4, in order to progress the application more rapidly towards allowance, Applicants have elected to amend claims 3 and 4, entirely without prejudice or disclaimer (see below).

A two month non-extendable time limit for response is set forth in the Decision. This response is therefore timely filed, and Applicants believe no fees are due in connection with this response. However, the Commissioner is authorized to charge any required fees or credit any overpayment to Deposit Account No. 50-0892.